

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JANE DOE,

Plaintiff,

-against-

HALSTEAD PROPERTY, LLC, HALSTEAD  
MANHATTAN, LLC and AYO HAYNES,

Defendant(s).

Case No. 1:18-cv-05436 (AKH)

**NOTICE OF CROSS-MOTION TO  
PRECLUDE AND FOR SANCTIONS  
UNDER F.R.C.P. 37**

**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Ian J. Brandt dated March 17, 2020, the exhibits annexed thereto, the Declaration of Geannetta Jackson dated March 17, 2020, and the exhibits annexed thereto, the Declaration of Richard Sauerhaft dated March 11, 2020, the Declaration of Antwan Johnson dated March 13, 2020, the accompanying memorandum of law in support of the instant motion and in opposition to Defendants' motion for summary judgment, and upon all prior papers and proceedings had herein, the plaintiff Geannetta Jackson ("Plaintiff"), formerly proceeding pseudonymously as "Jane Doe", by her attorneys, Wagner, Berkow & Brandt, LLP, will move this Court, pursuant to F.R.C.P. 37, at a time and date to be set by the Court, for an Order:

- (a) Granting the Plaintiff an adverse inference against Defendants that defendant Ayo Haynes ("Haynes") did not demand the submission of REBNY forms or any other financial information from any bidders for the apartment in question other than Plaintiff;
- (b) Granting Plaintiff an adverse inference against Defendants that Haynes did not solicit or receive any bids for the apartment in question higher than \$485,000, the price the

- apartment was actually sold for;
- (c) Precluding Defendants from introducing into evidence the bid spreadsheet alleged to have been prepared by Haynes and identified as Exhibit “H” to Defendants’ motion for summary judgment;
  - (d) Precluding Defendants from introducing into evidence or at trial any evidence or testimony that Haynes asked for or demanded financial information from any other prospective bidder for the apartment in question;
  - (e) Striking Defendants’ answer, in whole or in part;
  - (f) Directing Defendants to reimburse Plaintiff’s reasonable attorneys’ fees in connection with Defendants’ failure to comply with court-ordered discovery; and
  - (g) Such other and further relief as the Court deems just and proper.

Dated: New York, New York  
March 17, 2020

**WAGNER, BERKOW & BRANDT, LLP**

*Ian J. Brandt*

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